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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,306	01/20/2004	Hui Lung Chang	4301SF	8269

7590 07/29/2005  
Hui Lung Chang  
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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/764,306	Applicant(s) CHANG ET AL.	
	Examiner Anne Marie M. Boehler	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

*[Handwritten signature]*

1. Claims 1 and 8 are objected to because of the following informalities:

In claim 1, line 10, "rod" should be –road–.

In claim 8, line 4, "rod" should be –road–.

Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sarrazin (USPN 2,051,496).

Sarrazin shows a vehicle with a chassis 14, primary drive wheels including for wheels 2, 3, and conventional drive means for drive wheels 2. An auxiliary drive means, 29, is mounted, in Figure 3, at a greater height than the primary drive wheels. The auxiliary drive means includes at least four wheels 19, 20, attached to the chassis and caterpillar treads engaged with the wheels. Drive is transmitted to the tracks by way of gears 19, 24 on rear axles 6, respectively.

4. Claims 1, 2, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilbert (USPN 4,821,824).

Gilbert shows a vehicle with primary drive wheels 25 and an auxiliary driving device including two endless tracks 58, 59. The tracks have ground clearance higher than that of the primary drive wheels. The tracks includes two rear axles, that support drive gears 79.

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5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Tippen (USPN 4,598,783).

Tippen shows a vehicle with primary drive wheels 44, 45, and an auxiliary drive device 1 attached to the chassis at a higher ground clearance elevation than the primary drive wheels.

6. Claims 1-3, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by JA62-275,880).

JA '880 shows a vehicle having a chassis, a primary driving device including laterally spaced tracks 2 wound around wheels 4, 22, 26, 28, and an auxiliary driving device including two driven tracks 13. The auxiliary tracks are mounted at a higher elevation than the primary tracks (as seen in Figures 2 and 4b). Each track includes a rear axle 11 with a respective gear 12 that drives a respective track.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by JA4-342678.

JA '678 shows a vehicle with a chassis 3, a pair of primary drive tracks, driven by a motor mounted at the front of the vehicle and driving a front axle 8. An auxiliary driving device 2 is mounted between the primary drive tracks with a ground clearance elevation higher than that of the primary tracks.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JA4-342678 in view of JA62-275880.

JA '678 is silent regarding reduction gearing attached to the front axle and coupled to the motor.

JA '880 shows reduction gearing 6-10 attached between the motor and drive axle 3 for the primary drive.

It would have been obvious to one of ordinary skill in the art to provide the JA'678 vehicle with reduction gearing for the primary drive, as taught by JA '880, in order to reduce drive speed and increase torque.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watkins, Toyoura, Gagne, and Pitchford each show a vehicle with an auxiliary drive device in the form of an endless track.

Kehler, Macfie and Borenstein teach vehicles with more than two tracks.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anne Marie M. Boehler  
Primary Examiner  
Art Unit 3611

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